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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/620,561 07/17/2003		Yasuaki Deguchi	Q76607	9255
23373 7	10/05/2004		EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W.			LETSCHER, GERALDINE	
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WASHINGTON, DC 20037			1752	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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This action is FINAL. 2b	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any							
2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s)	Status	3 · · ·						
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Application/Control Number: 10/620,561

Art Unit: 1752

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-13, drawn to a silver halide color photographic material and corresponding color image formation method thereof characterized in that said material has a specific coupler utilization rate, classified in class 430, subclass 505.
 - II. Claims 14-23, drawn to a silver halide color photographic material and corresponding color image formation method thereof characterized in that said material contains a specific phenol dye-forming coupler, classified in class 430, subclass 553.
 - III. Claims 24-29, drawn to a silver halide color photographic material and corresponding color image formation method thereof characterized in that said material contains a mercaptotetrazole compound, classified in class 430, subclass 611.
 - IV. Claims 30, 32-37, 39-43, drawn to a silver halide color photographic material and corresponding color image formation method thereof characterized in that said material contains a specific silver halide emulsion, classified in class 430, subclass 567.
 - V. Claims 31 and 38, drawn to a silver halide color photographic material and corresponding color image formation method thereof characterized in that said material contains a metal coordination complex, classified in class 430, subclass 605.

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2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, IV and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions each have different modes of operation, different functions, and different effects.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Mark Boland on September 30, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the 3. examiner should be directed to Geraldine V Letscher whose telephone number is (571) 272-1334. The examiner can normally be reached on 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (571) 272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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